

Order

Michigan Supreme Court
Lansing, Michigan

June 10, 2010

Marilyn Kelly,
Chief Justice

140624

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

FORD MOTOR CREDIT COMPANY,
Plaintiff-Appellant,

v

SC: 140624
COA: 289781
Ct of Claims: 07-000173-MT

DEPARTMENT OF TREASURY, TREASURER
FOR THE DEPARTMENT OF TREASURY, and
STATE OF MICHIGAN,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the January 12, 2010 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J. (*dissenting*).

I would grant leave to appeal to address the following questions: (1) whether the Due Process Clause of Const 1963, art 1, § 17 says anything different concerning the constitutionality of retroactive application of state tax laws than does Article V of the United States Constitution; and (2) whether it is relevant in enacting retroactive tax laws that the Legislature asserting that such laws are “curative,” and intended to express the “original intent of the Legislature,” is not the Legislature that enacted the laws in question but a subsequent Legislature. I would direct that this case be argued and submitted together with *GMAC v Dep’t of Treasury*, No. 140637-40.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 10, 2010

Corbin R. Davis

Clerk